

The United States of America

To all to whom these presents shall come, Greeting:

Corrected Patent

F-93724

This patent is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7504, as GRANTOR, to Elim Native Corporation, P.O. Box 39010, Elim, Alaska 99739, as GRANTEE, for lands in the Cape Nome Recording District, and is issued in lieu of unrecorded Patent No. 50-2008-0487, dated September 18, 2008, which has been cancelled because of an error in the estate specified in the *habendum* clause.

WHEREAS

Elim Native Corporation

is entitled to a patent pursuant to Sec. 19(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1618(c), of the surface and subsurface estates in the following-described lands, which were transferred by Interim Conveyance No. 1953 issued March 16, 2006:

Kateel River Meridian, Alaska

T. 6 S., R. 15 W.,
Sec. 3, lot 1;
Secs. 4 to 7, inclusive;
Sec. 8, lot 1;
Sec. 9, lot 1;
Sec. 17, lot 1;
Sec. 18, lot 1;
Sec. 19, lot 1.

Containing 4,615.20 acres, as shown on plat of survey officially filed April 15, 2008.

T. 6 S., R. 16 W.,
Sec. 1;
Secs. 11 to 16, inclusive;

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Secs. 20 to 23, inclusive;
Sec. 24, lot 1;
Sec. 25, lot 1;
Sec. 26, lot 1;
Sec. 27, lot 1;
Secs. 28 to 32, inclusive;
Sec. 33, lot 1;
Sec. 34, lot 1.

Containing 12,411.78 acres, as shown on plat of survey officially filed May 6, 2008.

T. 7 S., R. 16 W.,
Sec. 4, lot 1;
Sec. 5, lot 1;
Sec. 6;
Sec. 7, lot 1;
Sec. 8, lot 1.

Containing 1,611.63 acres, as shown on plat of survey officially filed April 15, 2008.

T. 6 S., R. 17 W.,
Sec. 36.

Containing 640 acres, as shown on plat of survey officially filed April 29, 2008.

T. 7 S., R. 17 W.,
Secs. 1, 2, and 3;
Secs. 7, 10, and 11;
Sec. 12, lot 1;
Sec. 13, lot 1;
Sec. 14, lot 1;
Secs. 15 to 21, inclusive;
Sec. 22, lot 1;
Sec. 23, lot 1;
Sec. 27, lot 1;
Sec. 28, lot 1;
Secs. 29 and 30;
Sec. 31, lot 1;

Sec. 32, lot 1;
Sec. 33, lot 1.

Containing 13,120.09 acres, as shown on plat of survey officially filed April 29, 2008.

T. 8 S., R. 17 W.,
Sec. 6.

Containing 171.74 acres, as shown on plat of survey officially filed April 15, 2008.

T. 7 S., R. 18 W.,
Secs. 12, 13, and 14;
Secs. 22 to 25, inclusive;
Sec. 26, lot 1;
Sec. 27, lot 1;
Sec. 28;
Secs. 33 to 36, inclusive.

Containing 8,840.02 acres, as shown on plat of survey officially filed April 29, 2008.

T. 8 S., R. 18 W.,
Sec. 1, lot 1;
Secs. 2, 3, and 10;
Sec. 11, lot 1;
Sec. 12, lot 1;
Sec. 14, lot 1;
Sec. 15, lot 1;
Sec. 16;
Sec. 21, lot 1.

Containing 4,397.44 acres, as shown on plat of survey officially filed April 29, 2008.

Aggregating 45,807.90 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface and subsurface estates in the lands above described; TO HAVE AND TO HOLD the said estates with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever.

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1616(b) (1976), and authorized by Sec. 19(c)(6)(C) of ANCSA, as amended, the following public easements, referenced by Easement Identification Number (EIN) on the easement map, a copy of which can be found in the Bureau of Land Management's public land records, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.
 - a. (EIN 9 C3) An easement for a proposed access trail twenty-five (25) feet in width from trail easement EIN 1 C3, D1, O, in Sec. 16, T. 8 S., R. 17 W., Kateel River Meridian, northerly to public lands. The uses allowed on this easement are: Travel by foot, dogsled, animals, snowmobiles, two-and three-wheeled vehicles, and small all terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).
 - b. (EIN 27 C5) An easement for an existing access trail twenty-five (25) feet in width from site easement ELIM 3 in Sec. 34, T. 7 S., R. 18 W., Kateel River Meridian, northwesterly to Clear Creek Hot Springs in Sec. 27, T. 7 S., R. 18 W., Kateel River Meridian. Use is limited to foot travel.
2. Pursuant to Sec. 19(c)(6)(D) of ANCSA, as amended, 43 U.S.C. § 1618(c)(6)(D), the following public easements, referenced by ELIM numbers on the easement map, a copy of which can be found in the Bureau of Land Management's public land records, are reserved to the United States:
 - a. (ELIM 1) An easement on the streambed and for trails twenty-five (25) feet in width and upland of the ordinary mean high water line on each bank of Clear Creek. The trails may deviate from the banks as necessary to go around man-made or natural obstructions or to portage around hazardous stretches of water. Use is limited to foot travel. The streambed portion of this easement will be dropped if the Clear Creek is determined to be navigable.
 - b. (ELIM 2) An easement on the streambed and for trails twenty-five (25) feet in width and upland of the ordinary mean high water line on each bank of the Tubutulik River. The trails may deviate from the banks as necessary to go around man-made or natural obstructions or to portage around hazardous stretches of water. Use is limited to foot travel. The

streambed portion of this easement will be dropped if the Tubutulik River is determined to be navigable.

- c. (ELIM 3) A one (1) acre site easement upland of the mean high water line in Sec. 34, T. 7 S., R. 18 W., Kateel River Meridian, on the left limit of Clear Creek and at the intersection of trail easements EIN 27 C5 and ELIM 1. The uses allowed are launching and taking out watercraft and camping in non-permanent structures for a period not to exceed 24 hours without the consent of Elim Native Corporation.
 - d. (ELIM 4) A one (1) acre site easement upland of the mean high water line in Sec. 28, T. 7 S., R. 17 W., Kateel River Meridian, on the right limit of the Tubutulik River. The uses allowed are launching and taking out watercraft and camping in non-permanent structures for a period not to exceed 24 hours without the consent of Elim Native Corporation.
3. Pursuant to Sec. 19(c)(5)(A) through (G) of ANCSA, as amended, 43 U.S.C. §§ 1618(c)(5)(A) through (G), the following rights are retained by the United States:
- a. To enter upon lands herein conveyed, after providing reasonable advance notice in writing to Elim and after providing Elim with an opportunity to have a representative present upon such entry, in order to achieve the purpose and enforce the terms of this paragraph and paragraphs (4) and (6). Sec. 19(c)(5)(A); 43 U.S.C. § 1618(c)(5)(A).
 - b. To have, in addition to such rights held by Elim, all rights and remedies available against persons, jointly or severally, who cut or remove merchantable timber for sale. Sec. 19(c)(5)(B); 43 U.S.C. § 1618(c)(5)(B).
 - c. In cooperation with Elim, the right, but not the obligation, to reforest in the event previously existing merchantable timber is destroyed by fire, wind, insects, disease, or other similar manmade or natural occurrence (excluding manmade occurrences resulting from the exercise by Elim of its lawful rights to use the lands herein conveyed). Sec. 19(c)(5)(C); 43 U.S.C. § 1618(c)(5)(C).
 - d. The right of ingress and egress over easements reserved under Sec. 17(b) of ANCSA for the public to visit, for noncommercial purposes, hot springs located on the lands herein conveyed and to use any part of the hot springs that is not commercially developed. Sec. 19(c)(5)(D); 43 U.S.C. § 1618(c)(5)(D).

- e. The right to enter upon the lands containing hot springs for the purpose of conducting scientific research on such hot springs and to use the results of such research without compensation to Elim. Elim shall have an equal right to conduct research on the hot springs and to use results of such research without compensation to the United States. Sec. 19(c)(5)(E); 43 U.S.C. § 1618(c)(5)(E).
- f. A covenant that commercial development of the hot springs by Elim or its successors, assigns, or grantees shall include the right to develop only a maximum of 15 percent of the hot springs and any land within ¼ mile of the hot springs. Such commercial development shall not alter the natural hydrologic or thermal system associated with the hot springs. Not less than 85 percent of the lands within ¼ mile of the hot springs shall be left in their natural state. Sec. 19(c)(5)(F); 43 U.S.C. § 1618(c)(5)(F).
- g. The right to exercise prosecutorial discretion in the enforcement of any covenant, reservation, term, or condition shall not waive the right to enforce any covenant, reservation, term, or condition. Sec. 19(c)(5)(G); 43 U.S.C. § 1618(c)(5)(G).

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO:

- 1. Valid existing rights therein, if any, including but not limited to those created by any lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. § 1616(b)(2) (1976), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and
- 2. Pursuant to Sec. 19(c)(4) and (6) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended, 43 U.S.C. §§ 1618(c)(4), (6), the following covenants, reservations, terms, and conditions shall run with the land:
 - a. Consistent with paragraph (3)(C) and subject to the applicable covenants, reservations, terms and conditions contained in this paragraph and paragraphs (5) and (6), Elim shall have all rights to the timber resources of the lands conveyed herein for any use including, but not limited to, construction of homes, cabins, for firewood and other domestic uses on any Elim lands: *Provided*, That cutting and removal of merchantable timber from the lands herein conveyed for sale shall not be permitted: *Provided further*, That Elim shall not construct roads and related infrastructure for the support of such cutting and removal of timber for

sale or permit others to do so. 'Merchantable timber' means timber that can be harvested and marketed by a prudent operator. Sec. 19(c)(4)(A); 43 U.S.C. § 1618(c)(4)(A).

- b. Elim shall not permit surface occupancy or knowingly permit any other activity on those portions of land lying within the bed of or within 300 feet of the ordinary high waterline of Tubutulik River and Clear Creek for purposes associated with mineral or other development or activity if they would cause or are likely to cause erosion or siltation of either water course to and extent that would significantly adversely impact water quality or fish habitat. Sec. 19(c)(4)(C); 43 U.S.C. § 1618(c)(4)(C).
- c. Elim shall incorporate the covenants, reservations, terms, and conditions in this subsection in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the lands conveyed herein, including without limitation, a leasehold interest. Sec. 19(c)(6)(B); 43 U.S.C. § 1618(c)(6)(B).
- d. The owners of the lands held within the exterior boundaries of lands conveyed to Elim shall have all rights of ingress and egress to be vested in the inholder and the inholder's agents, employees, co-venturers, licensees, subsequent grantees, or invitees.

The inholder may not exercise the right of ingress and egress in a manner that may result in substantial damage to the surface of the lands or make any permanent improvements on the lands herein conveyed without the prior consent of Elim. Sec. 19(c)(6)(E); 43 U.S.C. § 1618(c)(6)(E).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Anchorage, Alaska, the TWENTIETH day of OCTOBER in the year of our Lord two thousand and NINE and of the Independence of the United States the two hundred and THIRTY-FOURTH.

/s/ Richard Thwaites

By _____
Richard Thwaites
Chief, Land Transfer Adjudication II Branch